

DECISION MEMO

OUTFITTER & GUIDE PERMIT ISSUANCE ELK SPRINGS OUTFITTERS

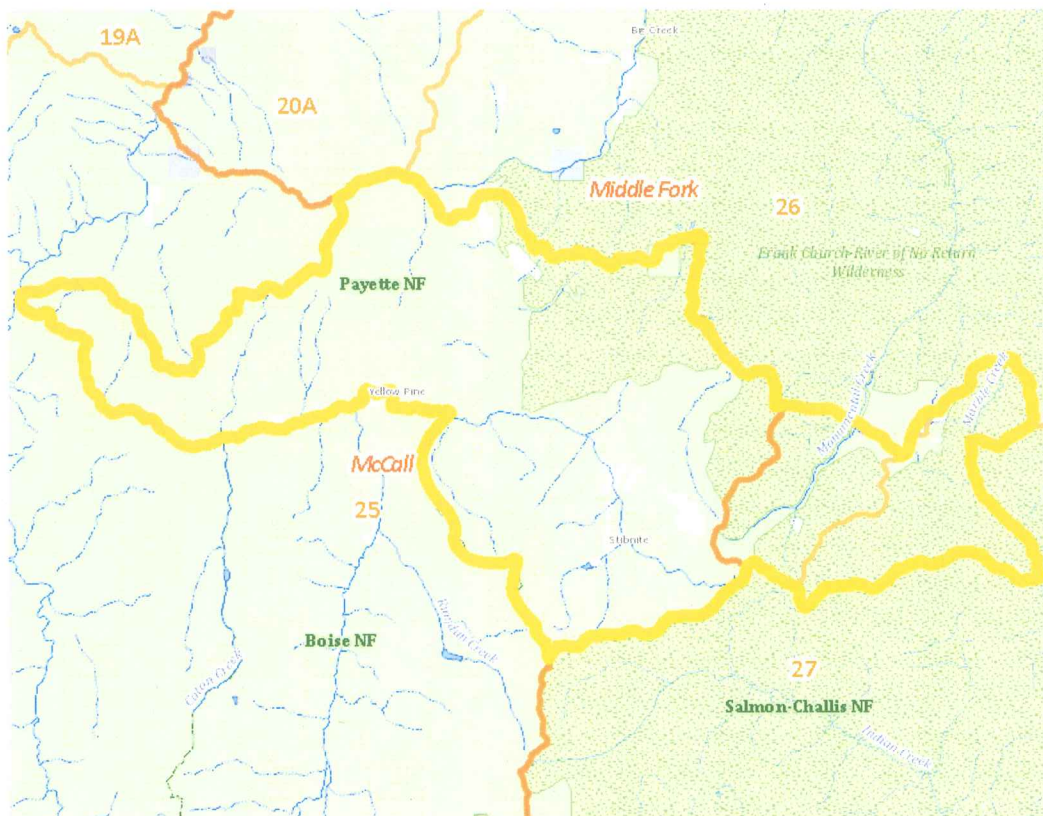
USDA Forest Service
Payette National Forest
Krassel Ranger Districts
Valley & Idaho Counties, Idaho

DECISION

I have decided to implement the proposed action to issue a Permit to Albert Bayer dba Elk Springs Outfitters authorizing the continued conduct of the previously permitted and licensed outfitting and guiding client service operation, subject to the requirements of Appendix A. The legal land description of the operational areas under state license 10748 are as follows:

Operating Area 10748-4

Operating Area for conducting TRAILRIDES / PACK TRIPS, BACKPACKING, MTN. BIKE TOURING, PHOTO TRIPS activities. Licensed for ELK, DEER, GOAT, SHEEP, BEAR, COUGAR, PREDATORS, WOLF, FOREST GROUSE hunting.

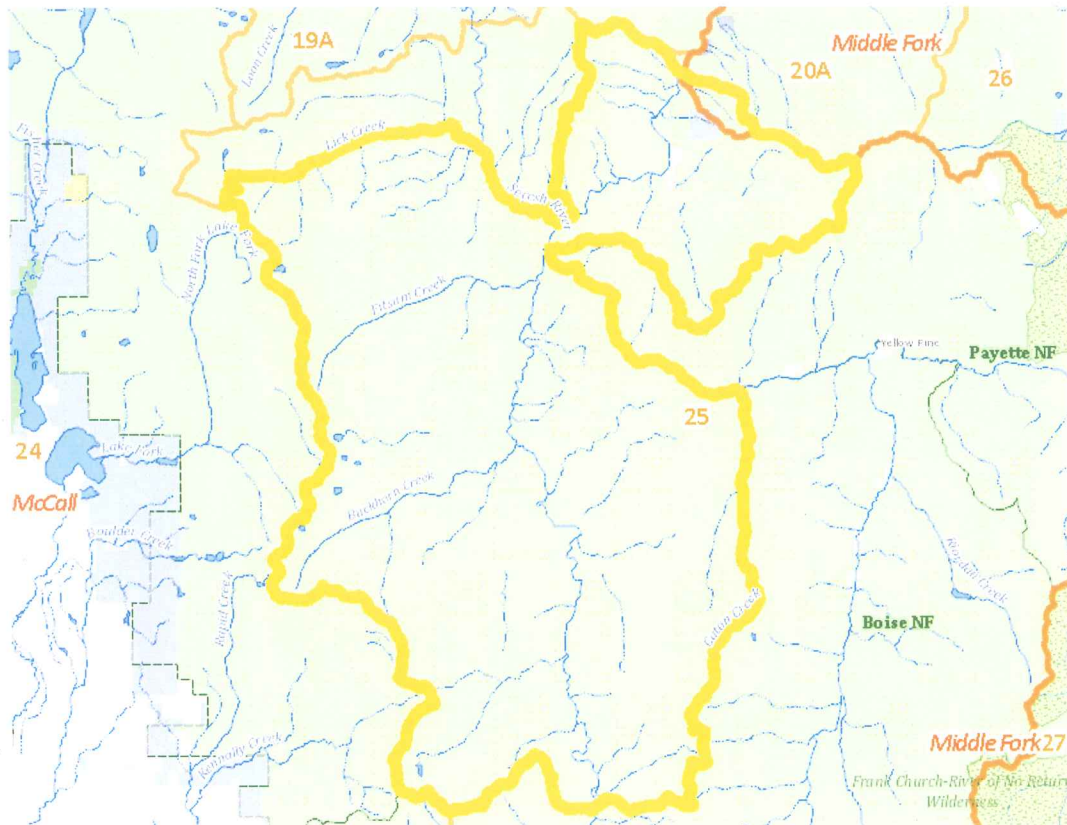


Operating Area Description

Beginning on the East Fork of the South Fork Salmon River (EFSFSR) at the mouth of Quartz Creek (Sec. 21, T19N, R8E, BM); then westerly downstream on the EFSFSR to its confluence with the South Fork Salmon River (Sec. 3, T19N, R6E, BM); then easterly up the EFSFSR watershed divide via Iodine Point to Williams Peak and continuing easterly along said watershed divide around the head of Sheep Creek to the Elk/Sheep/Quartz Creek watershed divide and IDFG Mgmt Unit 20A/25 boundary (Sec. 15, T20N, R8E, BM); and continuing easterly on said IDFG boundary and Elk/Quartz Creek boundary to Profile Peak (Sec. 15, T20N, R8E, BM); on the EFSFSR/South Fork Salmon River/Big Creek watershed divide along said watershed divide/said IDFG Unit boundary/FCRNRW/and Indian Creek divide via Mule Hill and Indian Creek point to the B/PNF boundary and Johnson Creek/EFSFSR divide (Sec. 32, T18N, R9E, BM); then northwesterly along Johnson Creek/ EFSFSR watershed divide via Meadow Creek Lookout/Horse Heaven to and down Antimony Ridge along B/PNF boundary to EFSFSR (Sec. 25, T19N, R8E, BM); then westerly downstream on the EFSFSR to Quartz Creek, the podivide and IDFG Unit 20A/25/26 boundary juncture; then southeasterly on the EFSFSR/Big Creek and EFSFSR/ Monumental Creek watershed divide and IDFG Unit 25/26 boundary via Profile Gap, Coin Mountain, Pinacle Peak to Rainbow Peak (Sec. 22, T19N, R10E, BM); then continuing southeasterly down the Rainbow/Trap Creek watershed divide and IDFG Unit 25/26 boundary to and across Monumental Creek and up the coon/Divide Creek watershed divide to the Monumental/Marble Creek watershed divide and juncture of IDFG Units 25/26/27 (Sec. 31, T19N, R11E, BM); then northeasterly on said watershed divide and IDFG Mgmt Unit 26/27 boundary via Thunder Mountain and Lookout Mountain Ridge to the head of Marble Creek on the Corner/Marble/East Fork Holy Terror Creek watershed divide (Sec. 14, T19N, R11E, BM); then southerly around the head of Marble Creek on the Corner/Marble Creek watershed divide and IDFG Unit 26/27 boundary to Black Pole on Shellrock Ridge at the head of Safety Creek (Sec. 35, T19N, R11E, BM); then westerly downstream on Safety Creek to Marble Creek; then southwestly downstream on Marble Creek to the Big Cottonwood/Dynamite Creek watershed divide and Boise/Payette National Forest (B/PNF) boundary (Sec. 24, T18N, R11E, BM); then westerly up and along said watershed divide (Red Ridge) and the B/PNF boundary to and along IDFG Unit 25/27 boundary to Murphy Peak (Sec. 17, T18N, R10E, BM) on the Frank Church River of No Return Wilderness (FCRNRW) boundary and Indian Creek/EFSFSR watershed divide; then southwestint of beginning. (Frank Church River of No Return Wilderness Map, Map #12, 1984)[F&G Units 25,26 & 27]

Operating Area 10748-6

Operating Area for conducting TRAILRIDES / PACK TRIPS, BACKPACKING, MTN. BIKE TOURING, PHOTO TRIPS activities.

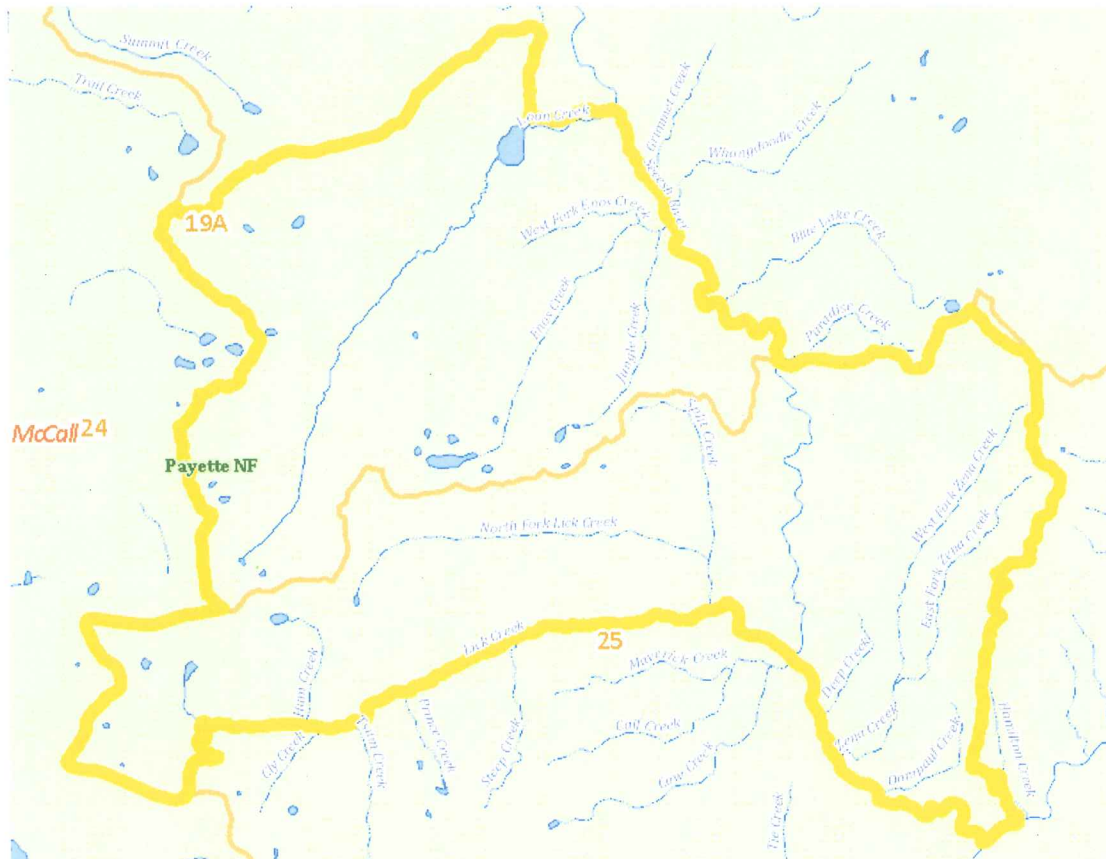


Operating Area Description

Beginning near Lick Creek Summit where USFS road 412 intersects Lick Creek, heading easterly along Lick Creek to its confluence with the Secesh River, then southeasterly along the Secesh River to USFS trail 079 and the Secesh River/South Fork of the Salmon River Divide then northerly along the USFS trail 079 and the Secesh River/ South Fork of the Salmon River Divide via Tailholt Point to the USFS McCall and Krassel Ranger District Boundary, then southeasterly along boundary to Rainbow Ridge, then Southwesterly along the South Fork of the Salmon River(SFSR)/East Fork of the South Fork of the Salmon River (EFSFSR) watershed divide via Rainbow Ridge to the SFSR/EFSFSR confluence, then easterly along the USFS road 412 to Caton Creek, then southerly, then westerly, along the Payette/Boise National Forest Boundary, to Needles Summit and the boundary between USFS McCall/Krassel Ranger Districts, then Northerly along the McCall/Krassel Ranger District Boundary to the point of Beginning.

Operating Area 10748-7

Operating Area for conducting INCIDENTAL FISHING, TRAILRIDES / PACK TRIPS activities. Licensed for BEAR, COUGAR, WOLF hunting.

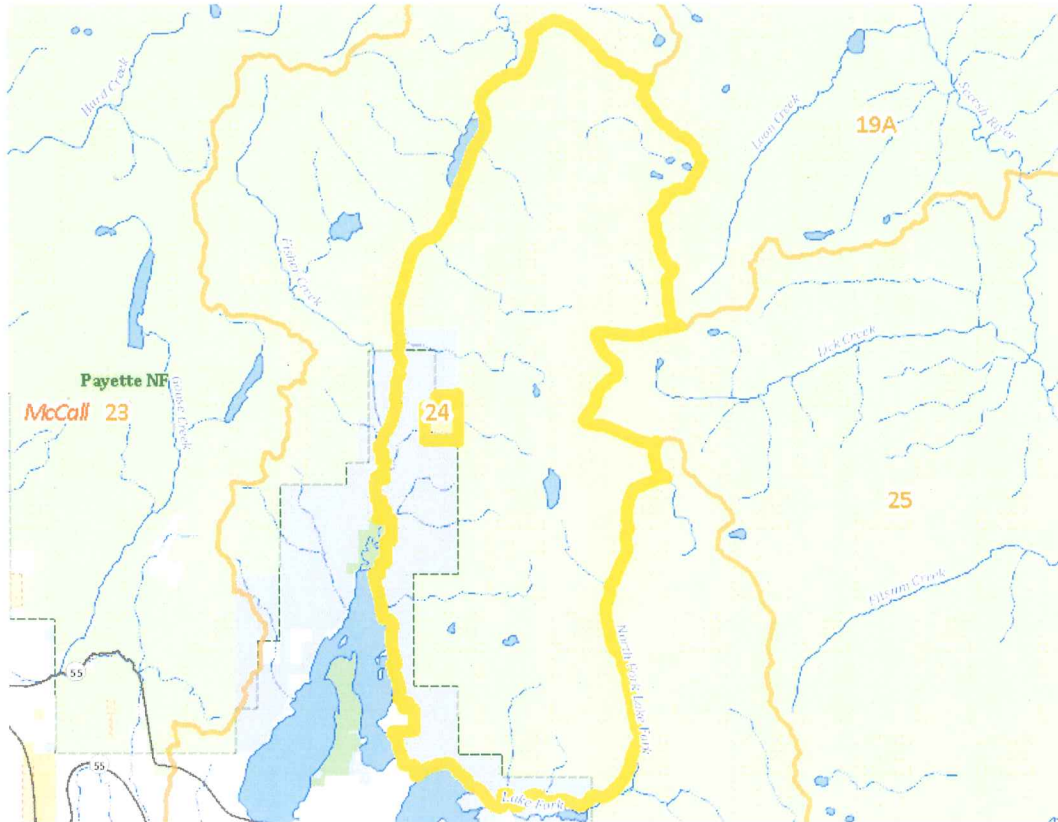


Operating Area Description

Beginning near Lick Creek Summit where USFS road 412 intersects Lick Creek following IDF&G Unit 24 and 25 boundary northerly to its intersection with Krassel and McCall Ranger District Boundaries and IDF&G Unit 19A, then northerly along boundary between IDF&G units 19A and 24 to its intersection with USFS trail 117, then northeasterly along USFS trail 117 to Chinook Campground, then southerly along the Secesh River to the Paradise Creek/Tobacco Can Creek watershed divide. Then easterly on Paradise Creek/Tobacco Can Creek watershed divide to Blue Lake and USFS trail 079. Then southerly along USFS trail 079 and the Secesh River/Southfork of the Salmon River watershed divide via Tailholt point to the Secesh River, then northwesterly along the Secesh River to its confluence with Lick Creek, then westerly along Lick Creek to the point of Beginning.

Operating Area 10748-8

Operating Area for conducting INCIDENTAL FISHING, TRAILRIDES / PACK TRIPS activities.



Operating Area Description

Idaho State Lands in the vicinity of McCall along the east side of Payette Lake and North of Payette Lake east of the Payette River, as well as North of Lick Creek Rd. Includes USFS Lands beginning near Lick Creek Summit where USFS road 412 intersects Lick Creek following IDF&G Unit 24 and 25 Boundary northerly to its intersection with Krassel and McCall Ranger District boundaries and IDF&G unit 19A, then northerly along boundary between IDF&G units 19A and 24 to its intersection with USFS trail 117, then northwesterly along USFS trail 117 to the Warren Wagon Road, then southerly along Warren Wagon Road to the USFS Boundary, then southerly along USFS boundary to Lick Creek Road, Then northerly to the point of beginning

Limitations: Equestrian trail rides and fishing activities may be conducted from June 1, through August 31. Horse Pack in fishing may be conducted on only Box Lake, Summit Lake, Brush Lake, Marge Lake, and Twenty Mile Lakes. This Outfitter is overlapped on Summit Lake, Box Lake, and Marge Lake by Idaho Angler McCall who is licensed to provide day hike fishing, Mt. Bike fishing and lama Pack in fishing. This outfitter is solely licensed on Twenty Mile Lakes.

The proposed action will issue a new special use authorization to the legal entity for the business to provide the on-going and previously existing, client services as Licensed by the State of Idaho. The Special Use authorization will be for a new term of 10 years to replace the expired Special Use Permit, where the only changes are administrative. There are no changes to the previously authorized facilities or increases in the scope, scale or intensity of authorized activities, and the exercise of the privileges of the previously existing permit has been in compliance with the terms and conditions of the special use authorization.

Categorical Exclusion 36 CFR 220.6(e) (15) provides for the issuance of a new special use authorization for a new term, to replace an existing, expired or relinquished special use authorization, when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope, scale or intensity of authorized activities, and the conduct under the previously existing permit was in compliance with the terms and conditions of the authorization. Such action may be categorically excluded from documentation in an EIS or EA, provided that no extraordinary circumstances exist.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – The biological assessments for fisheries, wildlife and plants concluded that this action to permit the continuation of previously existing outfitter and guide operations will have no effect on any federally listed threatened or endangered species.
- Flood plains, wetlands, or municipal watersheds – Activities would not affect floodplains and wetlands. This action is not expected to negatively change the functions or values of wetlands and floodplains in the project area and is compliant with the Clean Water Act. There are no municipal watersheds involved. No ground disturbing activities are proposed other than those associated with common recreation uses.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – No Wilderness or proposed Wilderness areas will be adversely affected by these activities.
- Inventoried roadless areas or potential wilderness areas – There will be no direct, indirect or cumulative impacts to IRAs from this recreation service provided by permitted outfitters.
- Research natural areas – There will be no direct, indirect, or cumulative impacts to RNAs from this recreation service provided by permitted outfitters.

- American Indians and Alaska Native religious or cultural sites – My decision has been evaluated to determine the effects on American Indian and Alaska Native Religious or Cultural Sites. Letters describing the proposed action and soliciting comment were sent to representatives of the Nez Perce and Shoshone Bannock Tribes in 2014. The project was also presented orally to the Nez Perce Tribe during quarterly staff to staff meetings and the Shoshone-Paiute Tribe at a scheduled Wings and Roots Consultation in 2014. The tribal notifications and/or consultation processes did not result in the identification of any known adverse effects to tribal interests or rights specifically associated with this project.
- Archaeological sites, or historic properties or areas – Proposed activities will not adversely affect Archaeological Sites, or Historic Properties or Areas. Following site surveys and section 106 review SHPO consultation resulted in a finding of no adverse effect to cultural sites.
- In addition to the above, I have considered other elements of the analysis in my determination that there are no extraordinary circumstances, as defined by NEPA, nor other adverse effects associated with this project that would necessitate documentation in an EIS or EA. I have also considered the potential for cumulative effects and arrived at the conclusion that without notable direct or indirect effects from my decision, there would be few cumulative effects to resources. My conclusion is based on (1) the short duration of the project, (2) the comments received during public involvement efforts, and (3) the minimal environmental effects expected as a result of my decision.
- My decision has been reviewed in accordance with the categorical exclusion guidelines. I have determined that none of the extraordinary circumstances described at 36 CFR 220.6(b) apply to a degree that would preclude the use of a categorical exclusion. The Interdisciplinary Team's analysis did not identify any other unusual circumstances or effects that would preclude the use a categorical exclusion or inconsistencies with Forest Plan standards and guidelines. (APPENDIX A)

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Payette National Forest Schedule of Proposed Actions and updated periodically during the analysis.

Letters describing the proposed action and soliciting comment were sent to representatives of the Nez Perce and Shoshone Bannock Tribes in 2014. The project was also presented orally to the Nez Perce Tribe during quarterly staff to staff meetings and the Shoshone-Paiute Tribe at a scheduled Wings and Roots Consultation in 2014.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the **Payette National Forest Land Management Plan**. The project was designed in conformance with Management Direction: REGO02 plan and manage the recreation program and recreation resources to meet established standards to provide for health and cleanliness, safety, and security, facility conditions, responsiveness to customers, environmental setting and permit administration., REOB14 Continue to improve accessibility on the Forest in compliance with all federal laws and agency guidelines, REGO07 Ensure that recreation operations, under or being considered for special use authorization's, provide opportunities, facilities, and services that respond to a demonstrated public need while mitigating conflicts with other uses and resource's, where possible.

National Historic Preservation Act (NHPA) — This decision complies with the NHPA. Refer to discussions under resource condition, above, for supporting information concerning this determination.

Endangered Species Act (ESA) — This decision complies with the ESA. Refer to discussions under "Extraordinary Circumstances" above, for supporting information concerning this determination.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not subject to administrative review, appeal, or objection.

IMPLEMENTATION DATE

Action to issue special use authorizations may occur immediately, subject to any design feature and mitigations noted in this memo.

CONTACT

For additional information concerning this decision, contact: For further information contact Anthony Botello at the Krassel Ranger District, 500 N. Mission #1, McCall, Idaho 83638, or telephone (208) 634-0600.



Anthony Botello
District Ranger

2/22/17
Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

APPENDIX A: PROJECT DESIGN FEATURES

Project Mitigations for Fisheries required from consultation:

- Annually inspect permitted campsite(s)
- Check camps to see (1) that they are meeting LRMP standards, (2) if they are causing detrimental sediment delivery, or adversely impacting riparian vegetation and (3) if there are potential adverse effects to fish or fish habitat at the site(s) Biological Assessment.
- Camps may be in RCAs; but should monitoring find a camp may be causing adverse effects to fish or fish habitat, changes will be made in coordination with a fisheries biologist to eliminate the problem or reduce effects to a negligible level
- Determine whether permit conditions are being met
- If there are potential adverse effects, consultation will be reinitiated
- Annual training will be provided by the Forest to outfitters and guides about how to avoid adverse effects to listed fish.
- The Forest will report noncompliance with outfitter and guide operating plans to the level one team.

**PERFORMANCE REVIEW & PRIORITY USE DETERMINATION
FOR SPECIAL USE PERMIT REISSUANCE**

ALBERT BAYER, dba ELK SPRINGS OUTFITTERS

**KRASSEL RANGER DISTRICT
PAYETTE NATIONAL FOREST**

2017

An annual ten-year Special Use Permit (Authorization ID KRL 139) authorizing ALBERT BAYER, dba ELK SPRINGS OUTFITTERS to provide outfitting client services on National Forest System lands administered by the Payette National Forest, expires by its terms April 01, 2017.

The area of operations for client service activities authorized by this Permit is on land administered by the Payette National Forest, as defined by the Outfitter license issued by the Idaho Outfitter and Guide Licensing Board (reference attachment: area & activity description for License #10748, as issued by the State of Idaho Outfitters & Guides Licensing Board).

Albert Bayer currently serves as the Designated Agent for Elk Springs Outfitters outfitting operations on the Payette National Forest. Client service activities that utilize National Forest System (NFS) land include: photo trips, mountain biking, horseback riding, summer pack trips, fishing and fall big game hunting, both guided and unguided (i.e. *drop-camps*). Performance ratings over the last 5 years have been acceptable.

No change in the scope and scale or increase of the client service activities provided under the previous authorization is being proposed.

CLIENT SERVICE DAYS UNDER THE PREVIOUS PERMIT

| YEAR | OVERALL |
|-------------------------------------|---------|
| 2016 | 118 |
| 2015 | 98 |
| 2014 | 114 |
| 2013 | 47 |
| 2012 | 88 |
| Carried Forward Client Service Days | 148 |
| Previous Client Service Days | 230 |

Priority use allocation determination is based on the highest use year plus 25% during the previous 5 year period of use provided that amount not exceed use allocated when the permit was issued. FSH 2709.14 53.1n

ASSIGNED SITE USE UNDER THE PREVIOUS PERMIT

Authorization for use of four camps as *assigned sites* provides for camp set up, use and occupancy to exceed 14 days, so long a client service at a camp occurs at least every 10 days. The following camps are recognized as available for use as *assigned sites*.

| Camp | Quartz | Marble | Parks | Thunder |
|----------|---------------------|---------------------|---------------------|----------------------|
| Location | E619524 N4988860 | E649718 N4979324 | E615178 N4979164 | E0648211 N4980414 |

In addition to the camps that were available for use as *assigned sites*, several other locations were approved for use as short term *drop camps* and *non-fee camps*, where intended set up and use did not exceed the 14 day stay limit.

Based on this history of use, these sites will be carried forward as available for use as *assigned camps*. Other sites may be approved for short term use annually, based on client bookings, with a set up and occupancy period not to exceed 14 days. If client bookings or operating logistics shift, such that additional assigned camps (which allow for set up and occupancy exceeding 14 days) are desirable or necessary, such site use may be requested and could be approved in an Operating Plan Addendum.

PACK & SADDLE STOCK GRAZING UNDER THE PREVIOUS PERMIT

The entry and number of stock on the National Forest is related to client service needs and grazing may be approved based on range availability and conditions. The number of stock brought onto the Forest shall be the minimum necessary to provide the approved client service, but not to exceed 20 head. Grazing may be authorized while serving guests or engaged in camp maintenance, setup and take down activities. All supplemental feed is required to be weed-free.

During the last 5 years reported grazing has averaged 15 AMs and has not exceeded the permitted 25 AMs. There has been a small amount of grazing reported in connection with summer trips, amounting to a reported 1-5 AMs (Animal Months) during progressive travel trips. Stock feed requirements at fall hunting camps have been 100% met with supplemental feed.

Therefore, at this time, based on the past 5 years of reported grazing use, 25 AMs of grazing will be carried forward in connection with progressive summer pack trips and fall big game hunting.

Prepared by: Patrick Brown, Recreation, Wilderness Specialist